New Nouveau Brunswick CANADA

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Aboriginal Affairs Secretariat / Natural Resources

Statement / Court of Appeal decision on aboriginal forestry (03/09/11)

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FREDERICTON (CNB) -- The following statement was issued today by Justice Minister, Attorney General and Minister responsible for Aboriginal Affairs, Brad Green, in light of the recent decision of the New Brunswick Court of Appeal in the case of *R. v. Sockabasin et al*:

"The Court of Appeal, in the case of R. v. Sockabasin et al, has dismissed the appeal of the defendants on their conviction for violating the *Crown Lands and Forests Act*.

The majority of the Court of Appeal decided that the appellants did not produce evidence sufficient to defend their harvesting on the basis of treaty rights.

As well, the Court of Appeal reaffirmed that treaty rights are specific to a particular people and a particular territory. For example, a member of a Maliseet community can exercise rights only in an area traditionally occupied by the Maliseet.

This decision further reinforces the need for the Province and the Aboriginal leadership to work together during the one-year stay imposed by the court in the recent Bernard decision.

We don't look at this decision as a victory for either side. In reality, it is just another step in the lengthy process of clarifying Aboriginal and treaty rights.

This decision does not affect the wood harvesting agreements which have been made with the 15 aboriginal communities over the past number of years.

These agreements are a concrete example of how far government and aboriginal communities can go when they are willing to work together.

This decision and the recent Bernard decision represent an opportunity to continue our ongoing dialogue on aboriginal and treaty rights with the chiefs. The Minister of Natural Resources and I look forward to meeting with the chiefs to discuss the decision in this case and other outstanding issues.

We have indicated our willingness to sit down with aboriginal leaders and federal representatives as part of the discussion process led by chief federal negotiator Tom Molloy. We have every hope that aboriginal representatives will join us in moving this process forward.

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We welcome the participation of aboriginal leaders in these talks to further improve the lives of aboriginal New Brunswickers."

03/09/11

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